

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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April 13, 1999 LB 556, 729

SENATOR COORDSEN: Thank you, Senator Kristensen. The question before the body is the advancement to E & R Initial of LB 556. Those in favor please vote aye, those opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR COORDSEN: Thank you, Mr. Clerk. LB 556 is addressed (sic). Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 729 was introduced by Senator Schimek. (Title read.) The bill was read for the first time on January 20th of this year, referred to the Government, Military and Veterans Affairs Committee. That committee reports the bill to General File with committee amendments attached. (AM0513, Legislative Journal page 939.)

SENATOR COORDSEN: Senator Schimek, to open on LB 729.

SENATOR SCHIMEK: Yes, thank you. Mr. President, members of the body, I'm pleased to present to you today LB 729 which I believe is an important measure to keep the integrity of the initiative and referendum process in Nebraska. Current law provides that there must be legal sufficiency for the Secretary of State to put an initiative on the ballot. This seems to be a reasonable standard. The only problem is legal sufficiency is not contained in current law. The bill is straightforward. It simply states that the Secretary of State shall not accept for filing any initiative or referendum which does not comply with the laws currently in effect regarding initiatives or referendums, which violates the Constitution or laws of the United States, which conflicts with the Constitution of the United States, or which fail to comply with the procedural limitations outlined in the Constitution of Nebraska. Why does this need to be done? There has been a court decision on the district court level that basically found that the current law does not allow a court to address issues that center on whether a proposal is valid under constitutional standards. Particularly in recent times, initiatives have become more frequent. In the overall framework of fairness, there should be a way to make a determination as to whether an issue is